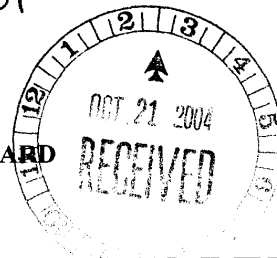


212301

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



SOO LINE RAILROAD)
COMPANY ABANDONMENT OF)
TRACKAGE LOCATED NEAR)
WEST ALLIS, MILWAUKEE)
COUNTY, WISCONSIN)
(Known as "the West Allis Line"))

DOCKET NO. AB-57
(SUB-NO. 55X)

ENVIRONMENTAL AND HISTORIC REPORTS
In compliance with 49 C.F.R. § 1105.8

SOO LINE RAILROAD COMPANY
d/b/a Canadian Pacific Railway, Inc.

LEONARD, STREET AND DEINARD
Professional Association
Annie Littlefield, Esq.
150 South 5th Street, Suite 2300
Minneapolis, MN 55402
Telephone (612) 335-7082
Facsimile (612) 335-1657

Attorneys for Applicant

ENTERED
Office of Proceedings
OCT 22 2004
Part of
Public Record

Service Date: September 24, 2004

2/2301

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC



SOO LINE RAILROAD)
COMPANY ABANDONMENT OF)
TRACKAGE LOCATED NEAR)
WEST ALLIS, MILWAUKEE)
COUNTY, WISCONSIN)
(Known as "the West Allis Line"))

DOCKET NO. AB-57
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ENVIRONMENTAL AND HISTORIC REPORTS
In compliance with 49 C.F.R. § 1105.8

The Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), submits the following information to the Surface Transportation Board in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7. The purpose of this information is to assist the Board in its preparation of an environmental document regarding Soo Line's Petition for Exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 with the United States Department of Transportation - Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over an approximately 5.0+/- mile line extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin (the "Rail Line"). The Rail Line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East in Milwaukee County.

I. NOTIFICATION OF PROPOSED ABANDONMENT

Section 1105.7(b)(1) - (11) Distribution: (b) At least 20 days prior to filing with the Board a notice of exemption, petition for exemption, or an application for abandonment or discontinuance the applicant must serve copies of the Environmental Report on the following agencies: The State Clearinghouse of each State involved (or other state equivalent agency if the State has no clearinghouse); The State Environmental Protection Agency of each State involved; The State Coastal Zone Management Agency for any state where the proposed activity would affect land or water uses within that State's coastal zone; The head of each county (or comparable political entity including any Indian reservation) through which the line goes; The appropriate regional offices of the Environmental Protection Agency;

The U.S. Fish and Wildlife Service; The U.S. Army Corps of Engineers; The National Park Service; The U.S. Soil Conservation Service; The National Geodetic Survey (formerly known as the Coast and Geodetic Survey) as designated agent for the National Geodetic Survey and the U.S. Geological Survey; and Any other agencies that have been consulted in preparing the report.

The above-mentioned agencies ("Agencies Consulted") were first notified by letter dated September 2, 2004 ("Scoping Letter") that Soo Line was planning to abandon the approximately 5.0+/- mile line extending between milepost 88.2+/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin. After receiving input from the Agencies Consulted, the agency's comments were incorporated into these Reports. Upon the completion of these Reports, copies were mailed to the Agencies Consulted on September 24, 2004, which is more than twenty (20) days prior to filing with the Board. See attached *List of Agencies Consulted* and the *Certificate of Service*, which are located at **Exhibit No. 1**.

Section 1105.7(c) Certification of Service of Environmental Report: In its Environmental Report, the applicant must certify that it has sent copies of the Environmental Report to the agencies listed and within the time specified in paragraph (b) of this section and that it has consulted with all appropriate agencies in preparing the report. These consultations should be made far enough in advance to afford those agencies a reasonable opportunity to provide meaningful input.

The Environmental and Historic Reports were mailed to the Agencies Consulted on September 24, 2004. The Certification of Service is located at **Exhibit 1**.

Section 1105.7(c) Publication of Newspaper Notice of Intent to Abandon: In every abandonment exemption case, applicant shall certify that it has published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

The Notice of Intent to Abandon, addressing the required issues, was published on September 17, 2004, in the MILWAUKEE JOURNAL SENTINEL. See **Exhibit No. 2** for a copy of the newspaper notice, the Certificate of Counsel, and the Affidavit of Publication.

II. STATUS OF RESPONSES RECEIVED

Section 1105.7(d) Documentation: Any written responses received from agencies that were contacted in preparing the Environmental Report shall be attached to the report. Oral responses from such agencies shall be briefly summarized in the report and the names, titles, and telephone numbers of the persons contacted shall be

supplied. A copy of, or appropriate citation to, any reference materials relied upon also shall be provided.

The Agencies Consulted were advised of the abandonment and their comments were solicited in a letter dated September 2, 2004. **See Exhibit 3.** Input received as of this date has been incorporated within this report, along with Soo Line's analysis. Written responses from the Agencies Consulted are included in **Exhibit No. 4.** The Agencies Consulted were advised to provide additional comments to the SEA.

1105.7(b)(1) State Clearinghouse:

The Wisconsin State Clearinghouse (known as the Federal State Relations Office, IGA Relations Department), was contacted in accordance with 49 C.F.R. § 1105.7(b)(1) in a letter dated September 2, 2004. No response has been received to date.

1105.7(b)(2) State Environmental Protection Agency:

The Wisconsin Department of Natural Resources main office (WDNR) was contacted by letter dated September 2, 2004. Robert Wakeman, of the DNR Southeast Regional Headquarters, located in Milwaukee, Wisconsin, was contacted by email on September 16, 2004. On September 24, 2004, Michael Thompson, Environmental Coordinator with the WDNR, emailed a comment letter to Soo Line, which included permitting/approval authority information, specific issues for the STB environmental document and general comments on the environmental impact of the proposed abandonment. A copy of his email and letter is located at **Exhibit 4.** Soo Line will manage the proposed abandonment in accordance with the applicable portions of the WDNR's comment letter. Additionally, Soo Line is willing to discuss the prospect of extending the endpoints of the proposed abandonment with the WDNR.

1105.7(b)(3) State Coastal Zone Management Agency for Wisconsin:

The Wisconsin Department of Administration Coastal Zone Management Program was contacted by letter dated September 2, 2004. No response has been received to date.

1105.7(b)(4) Head of Each County Through Which The Line Goes:

The head of each county and Indian reservation through which the tracks run through were contacted by letter dated September 2, 2004. No responses have been received to date.

1105.7(b)(5) Appropriated Regional Offices of the Environmental Protection Agency:

The Regional Director of the Environmental Protection Agency, Region 5, was contacted by letter dated September 2, 2004. Kathy Cowal, Life Scientist with the U.S. EPA, Region 5, contacted us on September 20, 2004. She requested that we include information relating to (1) the status of the rail located east and west of the proposed abandonment, (2) the status of the track located between mileposts 93.3 and 95.1, which is not going to be abandoned, and (3) the status of any bridges that are located on the Rail Line in the Reports.

First, the trackage located east of the Rail Line terminates at Airline and Muskego Yards, which will not change its current active status and the trackage located to the west of the abandoned track includes a cluster of active customers who will continue to be served by the line. Second, the track located on the west end, at mileposts 93.3 and 95.1, is part of the above-mentioned cluster of active customers who will continue to be served by the line. Third, there are no bridges that will be affected by this proposed abandonment.

Additionally, in a fax dated September 23, 2004, Kathy Cowal also requested that Soo Line discuss (1) the removal and disposition of the five Recognized Environmental Conditions ("RECs") identified on the Rail Line, which were included in the Scoping Letter, (2) Soo Line's plans for managing the disposal of wood treated with creosote, and (3) Wisconsin's SHPO response to the proposed abandonment.

First, all of the RECs identified in the Scoping Letter will be properly disposed of in accordance with federal and state laws, as is Soo Line's regular practice. Second, any creosote treated wood will be disposed of in accordance with applicable state and federal law, again, as is Soo Line's regular practice. Finally, as noted in the Historic Report, the Wisconsin Historical Society will only comment on the proposed abandonment if the abandonment qualifies for a SHPO review under the Wisconsin NHPA § 106 Review Process.

According to the criteria outlined in the § 106 process, Soo Line's proposed abandonment does not qualify for SHPO review for the following reasons: (1) The proposed abandonment will not affect historic properties or properties within the reservation boundaries of a Native American Nation with a formal Tribal Historic Preservation Officer; and (2) Soo Line is not a federal agency representative or a formal delegate of a federal agency.

1105.7(b)(6) U.S. Fish and Wildlife Services:

The Regional Director of the U.S. Fish and Wildlife Service was contacted by letter dated September 2, 2004. No response has been received to date.

1105.7(b)(7) U.S. Army Corps of Engineers:

The District Office of the U.S. Army Corps of Engineers (USACE) was contacted by letter dated September 2, 2004. Because this abandonment will not impact any waters of the United States, the USACE will not have any jurisdiction over this proposed abandonment. Becky Gruber, USACE Project Manager for the Waukesha, WI field office responded to the Scoping Letter. Ms. Gruber's response is located in **Exhibit No. 4**.

1105.7(b)(8) National Park Service:

The Midwest Region of the National Park Service was contacted by letter dated September 2, 2004. No response has been received to date.

1105.7(b)(9) U.S. Soil Conservation Service:

The USDA Soil Conservation Service's regional office in Madison, Wisconsin, was contacted by letter dated September 2, 2004. No response has been received to date.

1105.7(b)(10) National Geodetic Survey:

The National Oceanic and Atmospheric Administration National Geodetic Survey was contacted by letter dated September 2, 2004.

1105.7(d)(3) Local and Regional Planning Activities:

Both the City of Milwaukee's Planning Division and the Menomonee Valley Partners were contacted by letter dated September 2, 2004. On September 22, 2004, Elinor Tretheway, Outreach Director of the Menomonee Valley Partners, requested information relating to the impact the abandonment might have on the P&H Harnischfeger company (a crane manufacturing company). According to Soo Line's records, P&H Harnischfeger will not be affected by this abandonment because they are located east of Highway 41, beyond milepost 88.2, which is the endpoint of this particular abandonment. Soo Line's response to Ms. Tretheway is located at **Exhibit 4**.

Other Comments Received:

Soo Line has not received other comments, outside of the comments identified in this Environmental Report.

III. CONTENT

Section 1105.7(e) Content: The Environmental Report shall include all of the information specified in this paragraph, except to the extent that applicant explains

why any portion(s) are inapplicable. If an historic report is required under Section 1105.8, the Environmental Report should also include the Historic Report required by that section.

A Historic Report is included and attached at Exhibit No. 5.

IV. ALTERNATIVES

Section 1105.7(e)(I) Proposed Action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

As shown on the map in **Appendix A to Exhibit 5**, the rail line includes an approximately 5.0+/- mile line extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin. The Rail Line, now out of service for nearly three years, had been used as a corridor since 1864 and currently passes through residential, commercial, and industrial areas. Most of the line consists of single and removed track with an average right-of-way width of 100 feet. The proposed action includes abandoning an out-of-service line and salvaging equipment and materials that are present on the line. Additionally, the proposed action includes some removal of rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast and other structures would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

V. TRANSPORTATION SYSTEMS

Section 1105.7(e)(2) Transportation System: Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is only one shipper, Avalon, that uses the spur line that is connected to the Rail Line. That shipper, however, is served by Union Pacific. Therefore, no effects or diversions on rail traffic are anticipated by the abandonment of this out-of-service line of railroad. In addition, on September 13, 2004, Vicki Schaefer, of the Wisconsin Department of Transportation, Bureau of Railroads and Harbors, requested information relating to the right of way plats, including title

information. Soo Line is currently processing her request and will provide her with the requested information in a timely manner.

VI. LAND USE

Section 1105.7(d)(3) Land Use: Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Both the City of Milwaukee's Planning Division and the Menomonee Valley Partners Incorporated were contacted by letter dated September 2, 2004. Soo Line has not received any land-use comments from the aforementioned planning organizations.

Section 1105.7(e)(3)(ii): Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The proposed action will not have an effect on any prime agricultural land.

Section 1105.7(e)(3)(iii): If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

This action does not affect land or water uses within a designated coastal zone.

Section 1105.7(e)(iv): If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The line is suitable for public use, and corridor reuse as a trail and roadway is being considered.

VII. ENERGY

Section 1105.7(c)(4) Energy: Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the development and transportation of energy resources, or on the movement and/or recovery of recyclable commodities as no such energy resources or recyclable commodities are presently transported over this line.

Section 1105.7(e)(4)(ii): Describe the effect of the proposed action on recyclable commodities.

No impact is anticipated.

Section 1105.7(e)(4)(iii): State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

No impact is anticipated.

Section 1105.7(e)(4)(iv): If the proposed action will cause diversions from rail to motor carriage of more than: A. 1,000 rail carloads a year, or B. An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information § 1105.7(e)(4)(iv) is required.

The proposed action will not cause diversions from rail to truck of more than 1,000 rail carloads per year or more than 50 rail cars per mile per year.

VIII. AIR

Section 1105.7(e)(5)(i) Air: If the proposed action will result in either: A. An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal; or B. An increase in rail yard activity of at least 100 percent (measured by carload activity); or C. An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Use of this line ended in October 2001. Therefore, the proposed abandonment will not (A) result in an increase in rail traffic of at least 100% or an increase of at least 8 trains per day on any segment of rail line affected by the proposed abandonment; (B) result in an increase in rail yard activity of at least 100% (measured by carload activity); or (C) result in an increase in total traffic by 10% or 50 vehicles per day for any affected road segment.

Section 1105.7(e)(5)(ii): If the proposed action affects a class I or non-attainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) An increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) An average increase in truck traffic or more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed action will not affect a class I non-attainment area under the Clean Air Act.

Section 1105.7(e)(5)(iii): If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency or service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone depleting materials are not involved in this abandonment.

IX. NOISE

Section 1105.7(e)(6) Noise: If any of the thresholds identified in item (5)(I) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

This proposed abandonment will not cause an increase in noise levels.

X. SAFETY

Section 1105.7(e)(7)(i): Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Public health and safety will not be impacted by the proposed abandonment.

Section 1105.7(e)(7)(ii): If hazardous materials are expected to be transported, identify the following: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

This is not applicable because, while the railway was reportedly used to haul freight, it was not known to have transported hazardous materials or petroleum products.

Section 1105.7(e)(7)(iii): If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

The Phase I Environmental Site Assessment ("Phase I"), completed December 2003, identified five Recognized Environmental Conditions ("RECs") on the Rail Line, including, but not limited to, batteries, railroad ties, former track hoppers at a cement and concrete plant, a junkyard, unauthorized dumping of unlabelled empty drums and household trash, and also soil piles containing concrete and wood that are located west of Highway 100. Although the Phase I identified five RECs, the Rail Line is not listed as being currently or formerly on the following federal databases: the National Priorities List, CERCLIS, CORRACTS, ERNS, CERC-NFRAP, or a Proposed NPL or RCRIS List, nor is the Rail Line identified on any of the following State ASTM Standard databases: Indian UST, Leaking Underground Storage Tank (LUST), State Hazardous Waste sites (SHWS), State Solid Waste Facilities and Landfills (SWF/LF), or UST. Additionally, while the railway was reportedly used to haul freight, it was not known to have transported hazardous materials or petroleum products. Further, based on water well construction logs dating back to 1936, the Rail Line does not contain any water wells. While some neighboring sites have been listed on the above-mentioned databases, none of these sites currently pose a threat to the Rail Line.

XI. BIOLOGICAL RESOURCES

Section 1105.7(e)(8)(i) Wildlife: Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The Regional Director of the U.S. Fish and Wildlife Service was contacted by letter dated September 2, 2004. No response has been received to date. According to the Wisconsin DNR ("WDNR"), however, there are no state or federal endangered or threatened species in the Soo Line corridor. A copy of the WDNR comment letter is located in **Exhibit 4**.

Section 1105.7(e)(8)(ii): State whether wildlife sanctuaries or refuges National or State parks or forests be affected and describe any effects.

Both the Midwest Region of the National Park Service and the Regional Director of the U.S. Fish and Wildlife Service were contacted by letter dated September 2, 2004. No responses have been received to date. According to Soo Line's records, no sanctuaries, state parks, or refuges will be adversely affected by the proposed abandonment as none appear to exist along the right-of-way. See **Appendix A to the Historic Report**.

XII. WATER

Section 1105.7(e)(9)(i) Water: Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Proposed abandonment does not appear to be inconsistent with applicable federal, state, and/or local water quality standards. The Soo Line salvage operations will not impact water quality and will be conducted in accordance with comments received from the Agencies Consulted.

Section 1105.7(e)(9)(ii) and (iii): (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the State Environmental Protection or Equivalent Agency if they are unsure whether such permits are required).

The U.S. Army Corps of Engineers was notified of the proposed abandonment. Based on a communication received from Becky Gruber, USACE Project Manager, Waukesha, Wisconsin Field Office, the USACE only has regulatory authority over any "discharge of dredged or fill materials into waters of the U.S.," which in this case, does not exist and will not take place during salvage operations. Section 404 permits, therefore, are not required for the proposed action. In addition, no designated wetlands or 100- year flood plains will be adversely affected. Furthermore, permits under Section 402 of the Clean Water Act (NPDES permit requirements) are not required for this action, as no in-stream salvage activities are contemplated. For a copy of Becky Gruber's email response, see Exhibit No. 4.

Section 1105.7(e)(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

No adverse environmental impacts are anticipated. Other than using appropriate care in conducting salvage operations, no mitigation will be necessary.

Section 1105.7(e)(11) Additional Information for Rail Constructions: The following additional information should be included for rail construction proposals (including connecting track construction).

Not applicable.

Section 1105.8 Historic Reports: (a) An applicant proposing an action identified in Section 1105.6(a) or (b)), or an action in Section 1105.6(c) that will result in the lease, transfer, or sale of a railroad's line, sites or structures, must submit (with its application, petition or notice) the Historic Report described in paragraph (d) of this section, unless excepted under paragraph (b) of this section. This report should be combined with the Environmental Report where one is required. The purpose of the Historic Report is to provide the Board with sufficient information to conduct the consultation process required by the National Historic Preservation Act.

The Historic Report is attached hereto. See Exhibit No. 5.

Section 1105.9 Coastal Zone Management Act Requirements: If the proposed action affects land or water uses within a State coastal zone designated pursuant to the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) applicant must comply with the following procedures.

Not applicable.

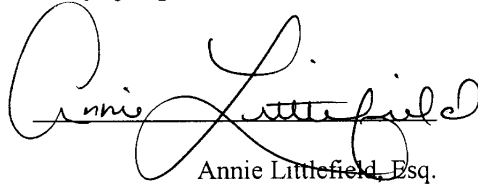
END OF REPORT

Exhibit No. 1
Certificate of Service of the Environmental & the Historic Reports
List of Agencies Consulted

Certificate of Service of Environmental and Historic Report

I hereby certify that on September 24, 2004, I served the Environmental Report and Historic Report relative to STB Docket No. AB-57 (Sub No. 55X) pursuant to C.F.R. Parts 1152.50, 1105.7(b)(c) and 1105.11 by First Class U.S. Mail, properly addressed, and with postage prepaid upon the parties listed on the attached List of Agencies Consulted.

Dated at Minneapolis, Minnesota this 24th day of September 2004.



Annie Littlefield, Esq.

SERVICE LIST

ENVIRONMENTAL AND HISTORIC REPORT

Soo Line Railroad Company Abandonment of Trackage Located between Wauwatosa and Milwaukee,
Wisconsin

Docket No.: AB-57 (Sub-No.52X)

AGENCIES CONSULTED

State Clearinghouse

Federal State Relations Office
IGA Relations
101 East Wilson St.
6th Floor
P. O. Box 7868
Madison, WI 53707-7868

State Environmental Protection Agency

Department of Natural Resources
P. O. Box 7921
Madison, WI 53706
608-266-2121

Coastal Zone Management

Wisconsin Department of Administration
Wisconsin Coastal Management Program
P. O. Box 8944
101 Wilson Street
Madison, WI 53708-8944
608-267-7982

U.S. Environmental Protection Agency

Bahrat Mathur, Regional Director
EPA Region 5 Office
Metcalf Building
77 West Jackson Blvd
Chicago, IL 60604
(312) 353-2000

U.S. Fish and Wildlife Service

Robyn Thorson, Regional Director
One Federal Drive
BHW Federal Building
Fort Snelling
Twin Cities, MN 55111
612-713-5301

U. S. Army Engineer District, Detroit

Vic Kotwicki, Chief of Real Estate
P.O. Box 1027
Detroit, MI 48231-1027
Tel: 313-226-6762
Fax: 313-226-6009

Becky Gruber

USACOE Project Manager
Waukesha Field Office
1617 E. Racine Avenue
Room 101
Waukesha, WI 53186
262-547-4171

National Park Service

William W. Schenk, Regional Director
National Park Service Midwest Region
1709 Jackson St.
Omaha, NE 68102
(402) 221-3471

U.S. Soil and Conservation Service

USDA Natural Resources Conservation
Service
Attn: Patricia S. Leavenworth
State Conservationist
6515 Watts Road, Suite 200
Madison, WI 53719-2726

National Geodetic Survey

Director Charlie Challstrom
NGS Information Services
NOAA, N/NGS12
SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282
(301) 713-3242

State Department of Transportation

Ms. Vicki Schaefer
Railroad Property Specialist
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Suite 701
P. O. Box 7914
Madison, WI 53707-7914

Ronald E. Adams, P.E. Director
Bureau of Railroads & Harbors
Div. of Transportation Infrastructure Dev.
Wisconsin Department of Transportation
4802 Sheboygan Avenue, P. O. Box 7914
Madison, WI 53707-7914

Wisconsin Department of Natural Resources

Robert Wakeman
Southeast DNR Region Headquarters
2300 N. Martin Luther King Drive
P. O. Box 12436
Milwaukee, WI 53212

State Historic Preservation Office

Wisconsin Historical Society
816 State Street
Madison, WI 53706
608-264-6500

Counties, Other Political Entities and/or Indian Reservations

Lee Holloway, Chairman
Milwaukee County Board of Supervisors
Room 201, Courthouse
901 North 9th Street
Milwaukee, WI 53233
(414) 278-4222

City of Milwaukee
Dept. of City Development
809 North Broadway
Milwaukee, WI 53202
(414) 286-5900

Scott Walker
Milwaukee County Executive
Room 306, Courthouse
901 North 9th Street
Milwaukee, WI 53233
(414) 278-4211

Ron Hayward, Village President
Village of West Milwaukee
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West Milwaukee, WI 53214
(414) 645-1530

Mayor Tom Barrett
City Hall, Room 201
200 East Wells Street
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(414) 286-2200

Mayor Jeannette Bell
West Allis City Hall
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West Allis, WI 53214
(414) 302-8207

John F. Stibal
City of West Allis Dept. of Development
7525 West Greenfield Avenue
West Allis, WI 53214
(414) 302-8460

Mayor Theresa M. Estness
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Wauwatosa, WI 53213

Nancy Welch
Director of Community Development
7725 W. North Avenue
Wauwatosa, WI 53213

Local and Regional Planning Agencies

David A. Windsor, P. E.
City of Milwaukee Dept. of Public Works
Infrastructure Services Division
Transportation Section
Planning & Development
841 North Broadway, Room 919
Milwaukee, WI 53202

Elinor Trethoway, Outreach Director
Menomonee Valley Partners, Inc.
301 West Wisconsin Avenue
Milwaukee, WI 53203
414-274-4654

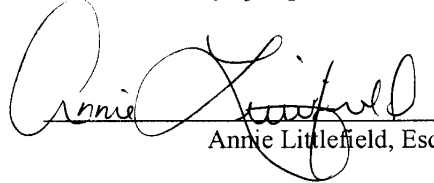
Exhibit No. 2

Certificate of Annie Littlefield, Esq. of Publication of Public Notice
Copies of the Notice
Affidavits of Publication of the Notice

Certificate of Service of Publication of Public Notice

I hereby certify that on September 17, 2004, Soo Line Railroad Company published in a newspaper of general circulation in each county through which the line passes a notice that alerts the public to the proposed abandonment, to available reuse alternatives, and to how it may participate in the STB proceeding.

Dated at Minneapolis, Minnesota this 24th day of September 2004.


Annie Littlefield, Esq.

NOTICE

Soo Line Railroad Company (d/b/a Canadian Pacific Railway Co., Inc.) gives notice that on or about October 18, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 5.0+/- mile line of railroad between railroad milepost 88.2+/- (near State Highway 41) and railroad milepost 93.2+/- (near North 123rd Street), which traverses through United States Postal Service ZIP Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa) all in Milwaukee County, Wisconsin. The proceeding has been docketed as No. AB-57 (Sub No. 55X). The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street NW, Washington, DC, 20423-0001, or by calling SEA at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street NW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Jean M. Hamm at Leonard, Street and Deinard, 150 South Fifth Street, Suite 2300, Minneapolis, MN 55402, 612-335-1500.

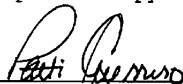
Soo Line Railroad Company
(d/b/a Canadian Pacific Railway)

1590638

AFFIDAVIT OF PUBLICATION

Leonard, Street and Deinard
150 South Fifth Street
Suite 2300
Minneapolis, MN 55402
Attn: J. Aalbers

Patti Guerrero here by states that she is authorized by Journal Sentinel Inc. to certify on behalf of Journal Sentinel Inc., publisher of the Milwaukee Journal Sentinel and The Sunday Journal Sentinel, public newspapers of general circulation, printed and published in the city and county of Milwaukee; that a notice of which the printed one here to attached is a true copy, was published in the Daily Edition of the Milwaukee Journal Sentinel on the seventeenth of September 2004. That the Milwaukee Journal Sentinel and The Sunday Journal Sentinel are newspapers printed in the English language and that said printed copy was taken from said printed newspaper(s).


Patti Guerrero

State of Wisconsin)
) SS:
County of Milwaukee)

Subscribed and sworn before me this 17 day of Sept, 2004.



Notary Public State of Wisconsin
My Commission Expires 1-16-05

Exhibit No. 3
Environmental Scoping Letter

LEONARD, STREET AND DEINARD

PROFESSIONAL ASSOCIATION

Annie Littlefield
612-335-1500
annie.littlefield@leonard.com

September 2, 2004

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment of a 5.0+/- Mile Line of Railroad That Extends Between Milepost 88.2 +/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street) and Which Traverses Through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin - STB Docket No.: AB-57 (Sub No. 55X)

Dear Sir/Madam:

On or about September 25, 2004, Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), anticipates filing a Petition for an Exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 with the United States Department of Transportation - Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over an approximately 5.0+/- mile line of railroad that extends between milepost 88.2 +/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street) and traverses through United States Postal Service Zip Codes 53214 (in West Allis), 53295 (in West Milwaukee), and 53215, 53233, and 53204 (in Milwaukee) in Milwaukee County, Wisconsin (the "Rail Line"). A map of the proposed abandonment is enclosed as Exhibit 1. The Rail Line, now out of service for nearly three years, had been used as a corridor since 1864 and currently passes through residential, commercial, and industrial areas.

Request for Comments

The proposed Petition for an Exemption requires review by the STB. I will be preparing an Environmental Report and, if appropriate, a Historic Report, which will provide the basis of the environmental review to be conducted by the STB's Section of Environmental Analysis ("Section of Environmental Analysis"). In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of potential environmental impacts is essential. This letter, therefore, solicits your comments regarding potential environmental or historical impacts, if any, of the proposed Rail Line abandonment.

Your comments will be incorporated into our Environmental Report to be filed on or about September 25, 2004. A copy of this report will be provided to you. After that date, any additional comments can be submitted directly to the Section of Environmental Analysis.

150 SOUTH FIFTH STREET SUITE 1300 MINNEAPOLIS, MINNESOTA 55402 TEL 612-335-1500 FAX 612-335-1657

2489715v1 LAW OFFICES IN MINNEAPOLIS, SAINT PAUL, MANITO, SAINT CLOUD AND WASHINGTON, D.C.

WWW.LEONARD.COM

Scope of Environmental Report Comments

The Environmental Report for the proposed abandonment will be prepared pursuant to STB regulations in 49 C.F.R. § 1105.7, which is attached at Exhibit 2, the National Environmental Policy Act, 42 U.S.C. § 4332, the Energy Policy and Conservation Act, 42 U.S.C. § 6362(b), and related laws including the National Historic Preservation Act, 16 U.S.C. § 470f, and the Endangered Species Act, 16 U.S.C. § 1531.

We are soliciting your comments with regard to: (1) any permitting/approval authority your agency has over the proposed action, (2) any specific concerns which you feel should be addressed in the STB environmental document prepared after our Environmental Report is submitted, and (3) the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency, as required by 49 C.F.R. § 1105.7(e).

Specifically, the STB's regulations state that, with respect to the areas of concern within the jurisdiction of your agency, you must address the following issues, which are identified in 49 C.F.R. § 1105.7(e). See Exhibit B.

- (1) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action. (49 C.F.R. § 1105.7(e)(2))
- (2) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why. (49 C.F.R. § 1105.7(e)(3))
- (3) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. (49 C.F.R. § 1105.7(e)(4))
- (4) Air. [Note] if the proposed action affects a class I or nonattainment area under the Clean Air Act ... (49 C.F.R. § 1105.7(e)(5))
- (5) Noise. [Will there be] an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed. (49 C.F.R. § 1105.7(e)(6))
- (6) Safety. If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved. (49 C.F.R. § 1105.7(e)(7)(iii))
- (7) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects. (49 C.F.R. § 1105.7(e)(8))
- (8) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (49 C.F.R. § 1105.7(e)(9))

2489715v1

September 2, 2004
Page 4

Comment Procedures

Written comments may be submitted to the undersigned. The comments will be appended to the Environmental Report being submitted to the STB, if received prior to September 23, 2004. Thereafter, please submit comments directly to the STB's Section of Environmental Analysis by mail at the following address: SEA, Surface Transportation Board, 1925 K Street NW, Washington D.C. 20423-0001 or by telephone (202/565-1526). Additionally, please forward a copy of your mailed or telephoned comments to me at the address above, or via facsimile (612/335-1657) or email (annie.littlefield@leonard.com).

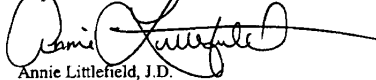
Again, any comments or information you provide will be included in Soo Line's Environmental Report, if received before September 23, 2004. Comments will also be considered by the STB in the preparation of its draft environmental document and in its evaluation of the overall environmental and energy impacts of the proposed Rail Line abandonment. Your cooperation will help ensure that all environmental concerns are thoroughly addressed.

Thank you very much for your assistance.

Very truly yours,

LEONARD, STREET AND DEINARD

Professional Association



Annie Littlefield, J.D.

cc: William Tuttle
Judy Mitchell
Steve Fisk
Greg Haug

Enclosures: Service List
Exhibit 1: Map of Rail Line
Exhibit 2: 49 CFR Sec. 1105.7(e)

2489715v1

2527718v4

Exhibit No. 4
Responses to the Environmental Scoping Letter

Littlefield

Littlefield, Anne

From: Schaefer, Vicki [vicki.schaefer@dot.state.wi.us]
Sent: Monday, September 13, 2004 11:15 AM
To: Littlefield, Annie
Cc: David Drach (E-mail)
Subject: West Allis/Milwaukee abandonment

We are in receipt of your Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment of the 5.0 rail line extending between MP 88.2 and MP 93.2 in Milwaukee County.

Please provide right of way plats, including title information, at your earliest convenience.

Thank you. If you have any questions, please call me.

Vicki Schaefer
Wisconsin Department of Transportation
Bureau of Railroads and Harbors
phone - 608-267-7346



Headquarters Building
816 State Street
Madison, WI 53706-1482
(608) 254-6400

September 13, 2004

Ms. Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

RE: Soo Line Abandonment: MP 88.2 To 93.2, Milwaukee County, WI
STB Docket No.: AB-57 (Sub No. 55X)

Dear Ms. Littlefield:

Please be advised that the Wisconsin § 106 review process has changed as of August 1, 2002. The materials you recently submitted for our review do not comply with our new process guidelines.

For detailed information on the new process, please visit the Office of Preservation Planning's "The Wisconsin NHPA § 106 Review Process" web site at:

http://www.wisconsinhistory.org/hp/protecting/106_intro.asp

For this project and all future projects, please submit to us your § 106-review materials with the "Request for SHPO Comment" form as described in the Guidelines found at the above referenced web site.

For specific questions about this issue, please contact Chip Brown by email at chbrown@whs.wisc.edu or by telephone at (608) 264-6508.

Thank you for your attention to this matter.

Sincerely,

Dan Duchrow
Program Assistant
Office of Preservation Planning

Cc: STB, Washington, D.C.

SEP 20 2004



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 22 2004

REPLY TO THE ATTENTION OF
B-19J

Annie Littlefield, J.D.
Leonard, Street and Deinard
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Re: Docket No. AB-57, Sub. No. 55X, *Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company - Proposed Discontinuance of Service and Abandonment Exemption*

Dear Ms. Littlefield:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed a scoping document from counsel for Soo Line Railroad Company (Soo Line). Approximately 5.0 miles of rail line are proposed for abandonment between West Milwaukee and West Allis in Milwaukee County, Wisconsin.

Soo Line intends to salvage rail equipment on the line for possible re-use, sale or disposal in accordance with applicable environmental regulations. Ballast and other structures would remain in place. Pursuant to a review of this scoping document, we have the following comments which should be discussed in the forthcoming Environmental Report (ER).

- The scoping document identified five Recognized Environmental Conditions (REC) on the rail line. The ER should discuss the removal and disposition of the items identified by the Phase I Environmental Site Assessment as RECs.
- The scoping document and attached map indicate that 5.0 miles of rail line will be abandoned between Mile Post 88.2 +/- and Mile Post 93.2 +/- . However, the document does not indicate what will happen to the rail line extending to the east and west of the segment proposed for abandonment. The ER should discuss whether the proposed segment is part of a larger abandonment process or if the remaining rail line to the east and west will remain active.
- Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Wisconsin.

Recycled/Recyclable - Printed with Vegetable Oil (Based on 50% Recycled Paper (20% Postconsumer))

Littlefield

Littlefield, Annie

From: Littlefield, Annie
Sent: Thursday, September 16, 2004 11:07 AM
To: 'Wakeman, Robert S.'
Subject: West Allis Abandonment

Hi Bob,

According to the abandonment regulations, we need to serve notice on the regional office of the US Soil Conservation Svc., which in the past has been the state offices of the DNR. Recently, we managed an abandonment in a rural area of North Dakota. The ND Natural Resources Conservation Service response related to the importance of protecting both wetlands and primary farmlands. Neither wetlands nor primary farmlands were negatively impacted by that proposed abandonment. In this case, the abandonment is in a commercial, residential and industrial area (only 5 miles long). It's possible that the Wisconsin DNR won't have any comments. We, however, are required by law to make sure that we contact all of the requisite agencies listed in the regulations. Below is a copy of the letter for your review, minus the attachments. If you need to see a map, please let me know. Also, if you choose to respond, feel free to email your response to me. Also, if you have more questions, please let me know. Thanks, Annie Littlefield [Tel. (612)335-7082]

TO: ALL PARTIES ON THE ATTACHED SERVICE LIST

Re: Request for Comments on Potential Environmental Impacts of Proposed Line Abandonment of a 5.0+/- Mile Line of Railroad That Extends Between Milepost 88.2 +/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street) and Which Traverses Through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin - STB Docket No.: AB-57 (Sub No. 55X)

Dear Sir/Madam:

On or about September 25, 2004, Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), anticipates filing a Petition for an Exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 with the United States Department of Transportation - Surface Transportation Board (STB) to discontinue and abandon all freight rail operations over an approximately 5.0+/- mile section extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin ("the Rail Line"). The Rail Line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East in Milwaukee County (See Exhibit 1). A map of the proposed abandonment is enclosed as Exhibit 1. The Rail Line, now out of service for nearly three years, had been used as a corridor since 1864 and currently passes through residential, commercial, and industrial areas.

Request for Comments

The proposed Petition for an Exemption requires review by the STB. I will be preparing an Environmental Report and, if appropriate, a Historic Report, which will provide the basis of the environmental review to be conducted by the STB's Section of Environmental Analysis ("Section of Environmental Analysis"). In preparing this report, consultation with agencies or organizations that may have specific interest in or knowledge of potential environmental impacts is essential. This letter, therefore, solicits your comments regarding potential environmental or historical impacts, if any, of the proposed Rail Line abandonment.

Your comments will be incorporated into our Environmental Report to be filed on or about September 25, 2004. A copy of this report will be provided to you. After that date, any additional comments can be submitted directly to the Section of Environmental Analysis.

9/23/2004

Littlefield

Description of Proposed Abandonment

The Rail Line eventually connects at the west end with the main line at milepost 95.1 in Elm Grove. It connects at the east end with the Airline and Muskego Yards. The abandonment, however, consists of a 5-mile section extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2 +/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin. The Rail Line is located within Sections 30, 31, 32, 33, 34, and 35, Township 7 North, Range 21 East in Milwaukee County (See Exhibit 1).

For your evaluation of the environmental impacts that could result from abandonment of the Rail Line, the proposed action includes discontinuing freight service, and salvaging equipment and materials that are present on the line. Additionally, the proposed action includes some removal of rails, ties, spikes, plates, railroad-related utilities, and signaling devices. The ballast and other structures would remain in place. All equipment and materials that are removed from the line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations that contains a limited number of lease parcels.

The last use of the Rail Line proposed to be abandoned was in October 2001. There is only one former customer directly on the Rail Line proposed for abandonment, Ryerson Steel (located at milepost 91.2). This customer has not, however, received any traffic in a few years and no longer requires rail service. Additionally, the Rail Line connects to a spur track at milepost 89.7 that is owned by the Whitnall Summit Company ("Whitnall"). One customer on the spur track, Avalon Rail (a rail car repair facility), had a 2003 volume estimated at forty (40) switch moves, which were handled, and will continue to be handled, by Union Pacific Railroad Company under an agreement with Soo Line. Another previous customer, Talmadge-Regenco, has not received any traffic in a number of years.

Phase I Assessment Completed

The Phase I Environmental Site Assessment ("Phase I"), completed December 2003, identified five Recognized Environmental Conditions ("RECs") on the Rail Line, including, but not limited to, batteries and railroad ties, former track hoppers at a cement and concrete plant, a junkyard, unauthorized dumping of unlabelled empty drums and household trash, and also soil piles containing concrete and wood that are located west of Highway 100. Although the Phase I identified five RECs, the Rail Line is not listed as being currently or formerly on the following federal databases: the National Priorities List, CERCLIS, CORRACTS, ERNS, CERC-NFRAP, or a Proposed NPL or RCRIS List, nor is the Rail Line identified on any of the following State ASTM Standard databases: Indian UST, Leaking Underground Storage Tank (LUST), State Hazardous Waste sites (SHWS), State Solid Waste Facilities and Landfills (SWF/LF), or UST. Additionally, while the railway was reportedly used to haul freight, it was not known to have transported hazardous materials or petroleum products. Further, based on water well construction logs dating back to 1936, the Rail Line does not contain any water wells. While some neighboring sites have been listed on the abovementioned databases, none of these sites currently pose a threat to the Rail Line. Additionally, there are 23 active land lease records associated with the Rail Line. One inactive lease is associated with a wire crossing that was assigned to the Wisconsin Electric Power Company. Finally, there are no known current or historical operations that are known to cause, or could have caused changes to the environmental condition of the Rail Line.

Scope of Environmental Report Comments

The Environmental Report for the proposed abandonment will be prepared pursuant to STB regulations in 49 C.F.R. § 1105.7, which is attached at Exhibit 2, the National Environmental Policy Act, 42 U.S.C. § 4332, the Energy Policy and Conservation Act, 42 U.S.C. § 6362(b), and related laws including the National Historic Preservation Act, 16 U.S.C. § 470f, and the Endangered Species Act, 16 U.S.C. § 1531.

We are soliciting your comments with regard to: (1) any permitting/approval authority your agency has over the proposed action, (2) any specific concerns which you feel should be addressed in the STB environmental document prepared after our Environmental Report is submitted, and (3) the effects, if any, of our proposed action on those resources or areas of concern within the authority of your agency, as required by 49 C.F.R. § 1105.7(e).

Specifically, the STB's regulations state that, with respect to the areas of concern within the jurisdiction of your

9/23/2004

-----Original Message-----

From: Littlefield, Annie

Sent: Friday, September 24, 2004 12:10 PM

To: 'Tretheway.Elinor'

Subject: RE: The West Allis Abandonment & the P&H Harnischfeger Co.
Elinor,

Below is the text that describes the location of milepost 88.2, based on the Phase I research conducted in December 2003.

Milepost 89.0 to 88.2 (Hawley Road, South 60th Street to Highway 41): This area passes through the Veterans Home property and near Miller Stadium. The area east of Highway 41 was also observed and includes several spurs that are currently used by P&H Harnischfeger, a crane manufacturer.

I hope this provides you with the information you are looking for. Let me know if you need further clarification.

Thanks, Annie

-----Original Message-----

From: Tretheway.Elinor [mailto:elinor.tretheway@we-energies.com]

Sent: Friday, September 24, 2004 11:55 AM

To: Littlefield, Annie

Subject: RE: The West Allis Abandonment & the P&H Harnischfeger Co.

Thanks. Can you also please send me the text that describes the location of milepost 88.2?

-----Original Message-----

From: Littlefield, Annie [mailto:annie.littlefield@leonard.com]

Sent: Friday, September 24, 2004 11:43 AM

To: elinor@renewthevalley.org

Subject: The West Allis Abandonment & the P&H Harnischfeger Co.

Hello Elinor,

Per today's telephone conversation, according to Soo Line's records, P&H Harnischfeger will not be affected by this abandonment because they are located east of Highway 41, beyond milepost 88.2, which is the endpoint of this particular abandonment. Should you have additional questions, feel free to contact me.

Thanks,
Annie Littlefield

Minneapolis, MN 55402
612.335.7082 Direct
612.335.1657 Facsimile
annie.littlefield@leonard.com

This message, including attachments, is from the law firm of Leonard Street and Deinard. This message contains information that may be confidential and protected by the attorney-client or attorney work product privileges. If you are not the intended recipient, promptly delete this message and notify the sender of the delivery error by return e-mail or call us at 612-335-1500. You may not forward, print, copy, distribute, or use the information in this message if you are not the intended recipient.

Email and Comment Letter from the Wisconsin DNR – Received September 24, 2004

-----Original Message-----

From: Thompson, Michael C [mailto:Michael.Thompson@dnr.state.wi.us]

Sent: Friday, September 24, 2004 1:52 PM

To: Littlefield, Annie

Cc: Lepeska, Allyn; Cook, Melissa A.; Blotz, Tom E; Radermacher, Geri M; Steffes, Richard E; Lee, Scott; GSmith@milwcnty.com

Subject: WDNR Scoping Comments for Proposed Soo Line Railroad Abandonment, Milwaukee County, Wisconsin

<<littlefield request.doc>> <<WDNR Scoping Comments on Proposed Soo Line Abandonment, 44th to 123rd St, Milwaukee County, Wisconsin.doc>>

Hello Ms. Littlefield,

An electronic version of the Wisconsin Department of Natural Resources Scoping Comments for the Proposed Soo Line Railroad Abandonment between milepost 88.2 near State Highway 41, Milwaukee and milepost 93.2 near N 123rd St., Wauwatosa, Milwaukee County, Wisconsin is attached. A separate hard copy is being mailed.

Please contact me if you have any trouble opening the document or need additional information.

Mike

Michael C. Thompson
DNR Southeast Region Environmental Analysis & Review Supervisor
2300 N MLK Jr. Dr.
Milwaukee WI 53212
T 414.263.8648
F 414.263.8483
michael.thompson@dnr.state.wi.us



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8606
TTY 711

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

September 15, 2004

File Ref:

1600

Ms. Annie Littlefield, J.D.
Leonard, Street, and Deinard
150 S Fifth Street, Suite 2300
Minneapolis, MN 55402

Dear Ms. Littlefield:

Thank you for your September 2, 2004 letter-requesting Department comments on the proposed Soo Line Railroad Company (Soo Line) abandonment in Milwaukee County, Wisconsin. The proposed abandonment corridor is approximately 5 miles long from milepost 88.2 near State Highway 41 and 44th Street to milepost 93.2 near North 123rd Street, Milwaukee County.

Please consider the following comments regarding (1) permitting /approval authority, (2) specific issues for the Surface Transportation Board environmental document, and (3) general comments on the environmental impacts of the proposed abandonment, as you prepare your Environmental Report for the proposed abandonment.

(1) Department approvals and permits

Department Permit and Approval that May be Required ¹	Department Contact
s. 30.19 Wis. Stat. – permit for grading work in excess of 10,000 sq. ft. near milepost 93.2 and Underwood Creek	Ms. Geri Radermacher, Water Management Specialist 141 NW Barstow St. Waukesha, WI 53188 (262) 574-2137
NR 103 and 299 – Analysis/certification for wetland fill for access roads and work areas near milepost 93.2 and Underwood Creek	Ms. Geri Radermacher, Water Management Specialist 141 NW Barstow St. Waukesha, WI 53188

¹ Mike Thompson, DNR, 2300 N Martin Luther King Jr. Dr., Milwaukee, WI 53212, (414) 263-8648 thompm@dnr.state.wi.us is the single point of contact for DNR permits and approvals if this project is overseen by Wisconsin DOT and is coordinated through the DNR-DOT Cooperative Agreement.

	(262) 574-2137
Federal Section 402 or 404 Wetland Permits	You should contact the U.S. Army Corps of Engineers office in Waukesha, WI (262) 547-4171 for further information regarding the need for these permits.
Ch. NR 216 – Erosion control associated with construction activities	Jim Ritchie, Stormwater Specialist 2300 N Martin Luther King Jr. Dr. Milwaukee, WI 53212 (414) 263-8682
Access agreements – survey work or temporary roads on the Hank Aaron State Trail	Melissa Cook, Hank Aaron State Trail Manager 2300 N Martin Luther King Jr. Dr. Milwaukee, WI 53212 (414) 263-8559

(2) Issues for the Surface Transportation Board Environmental Document

If the Surface Transportation Board (STB), **after coordination with local government and other local interests**, approves the abandonment, the Soo Line corridor could become a Federal “Rails-to-Trails” Act recreational trail that is preserved for possible future transportation use. The Department recommends that the STB consider adjusting the limits of the abandonment to allow connections to the Hank Aaron State Trail and Milwaukee County Oak Leaf Trail.

The east end of the Soo Line corridor could connect to the Hank Aaron State trail if the east terminus was shifted from approximately 44th Street to approximately 39th Street. The west end of the Soo Line corridor could connect to the Milwaukee County Oak Leaf Trail if the western terminus was shifted from 123rd Street to 125th Street. The resulting trail system, including the City of Brookfield Trail System, would provide approximately 120 miles of contiguous trail corridor with connections to commercial, education, and employment centers in a high density urban community. I have included links to maps of the Hank Aaron State Trail

http://dnr.wi.gov/org/land/parks/specific/hank_aaron/hankaaronmap04.pdf, Milwaukee County Oak Leaf Trail <http://www.countyparks.com/trails/map.pdf>, and City of Brookfield Trail Systems <http://www.cityofbrookfield.com/Images/GreenwayCorridorTrailMap.jpg> .

It is also important to note that the Soo Line corridor would provide several grade-separated crossings of freeway and surface arterial transportation corridors. Bridges should be preserved during abandonment of the railroad corridor.

(3) General Comments on the Environmental Impacts of the Proposed Abandonment

Rail line abandonment projects generally have low environmental impacts. Impacts are typically related to temporary access roads and staging areas used by heavy equipment.

Water Quality

The 5-mile Soo Line corridor is located in the Milwaukee River Basins. Basin reports provide an overview of land and water resource quality and are available at <http://www.dnr.state.wi.us/org/gmu/milw/index.htm>.

Proper erosion control measures should be used and maintained during and after any track, tie, bridge or culvert removal. Project plans and specifications should include an erosion control plan. Areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used where appropriate.

Wetlands

Wetlands are present along Underwood Creek near milepost 93.2 of the Soo Line corridor. The removal of track and ties should not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of wetlands along the corridor. Original drainage patterns were also altered, resulting in changes to the local hydrology. If future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in wetlands may require local, state and/or Corps of Engineers permits.

More detailed wetland information such as maps, boundaries, types, and function is available at <http://www.dnr.state.wi.us/org/water/fhp/wetlands/mapping.shtml>. The Southeastern Wisconsin Regional Planning Commission (SEWRPC), (262) 547-6721 may also have useful data.

Flood Plains

The Department's cursory review did not identify any existing surface water drainage problems in the Soo Line project area. The proposal should not remove bridges, culverts, or change drainage patterns. Permits for bridges and culverts over navigable waterways are required if the Soo Line is not used for public transportation or trails.

The abandonment itself should have no impact on the 100-year flood plain if no additional fill is placed in the flood plain as a result of the abandonment. If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. However, if this is not the case, all structures must be removed completely and the embankments re-graded and permanently stabilized.

The Milwaukee Metropolitan Sewerage District (MMSD) is working on flood control issues in the broad region surrounding the Soo Line corridor. Information regarding MMSD planning is available at <http://www.mmsd.com/projects/floodmgmt1.cfm>.

The Federal Emergency Management Agency (FEMA) is implementing a map modernization initiative to upgrade the Floodplain Map development process in which maps are created and distributed in a geographic information systems (GIS) format. The Department's floodplain management program has scanned the existing paper maps and

geo-registered them. They are displayed on our web interactive maps, <http://www.dnr.state.wi.us/org/water/wm/dsfm/section/mapindex.htm>, and can be overlaid on top of Air Photos or Topographic Maps. See FEMA's floodplain mapping website, <http://www.fema.gov/maps.shtm>, for more information on floodplain maps. SEWRPC (262) 547-6721 may also have useful data.

Endangered or threatened species

There are no state or federal endangered or threatened species in the Soo Line corridor. There are several state special concern mesic forest communities within one mile of the corridor.

Vegetated areas that are disturbed by the project activities should be re-seeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced to the site.

Critical Habitats/ Wildlife sanctuaries or refuges

Rail corridors provide valuable habitat for native plant and animal species. There are occurrences of mesic forest communities within one mile of the corridor.

National or state parks or forests

There are no national or state parks or forests along the corridor route between mileposts 88.2 and 93.2. The Hank Aaron State Trail corridor is present east of milepost 88.2 of the Soo Line corridor. The Milwaukee County Oak Leaf Trail is present west of milepost 93.2. Veterans Administration offices and Wood National Cemetery are present in the corridor. Potential connections to Wisconsin State Fair Park and the Milwaukee County Zoo may be present in the corridor.

Regional and/or local land use plans

Melissa Cook, Hank Aaron State Trail Manager (414) 263-8559 can provide information on State Trail planning http://dnr.wi.gov/org/land/parks/specific/hank_aaron/future.html.

The Southeastern Wisconsin Regional Planning Commission has begun the review and update of the land use and transportation system plans for the seven-county Southeastern Wisconsin Region. The regional land use and transportation plans are intended to provide a vision for, and guide to, land use development and redevelopment and transportation system development in the Region for 20 or more years into the future. More information is available at the following link http://www.sewrpc.org/regionalplans/pdfs/newsletter_01_web_regional_plans.pdf.

Hazardous Substance Releases

The Department provides an on-line database of contaminated sites, called the Bureau for Remediation and Redevelopment Tracking System, or "BRRTS on the Web." It includes spills, leaks, superfund cleanups and other contaminated sites that have been discovered and reported. You may check the site to see if a hazardous substance release has been reported in your project area. The web address is <http://dnr.wi.gov/org/aw/r/brrts/index.htm>. If you discover a hazardous substance release during abandonment activities notify the Department by calling 800-943-0003.

All drums and containers used during construction should be stored in secure locations to prevent vandalism and unwanted dumping. If you discover an abandoned container at your project site notify the Department by calling 800-943-0003.

Waste and Demolition Disposal

The Department recommends that railroad tracks and ties be recycled. Demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not permitted. A plan should be developed describing the method and location of all waste and demolition material disposal.

Closing comments

Thank you for the opportunity to comment on the proposed Soo Line abandonment in Milwaukee County, Wisconsin. The proposed Soo Line abandonment presents a unique opportunity to redevelop a single underutilized transportation corridor connected east of milepost 88.2 to the existing Hank Aaron State Trail, and west of milepost 93.2 to the existing Underwood Creek Parkway. Please contact me at (414) 263-8648 or thompm@dnr.state.wi.us if you have questions or need additional information.

Sincerely,

Michael C. Thompson
Environmental Coordinator

Cc: Mr. Allyn J. Lepeska, Wisconsin Department of Transportation, 4802 Sheboygan Ave 115B Madison, WI 53702
Guy Smith, Trails Coordinator, Milwaukee County Milwaukee County Park System, 9480 Watertown Plank Road, Wauwatosa, WI 53226
Bill Kolstad, Director of Parks, Recreation, and Forestry, City of Brookfield, 2000 N. Calhoun Road, Brookfield, WI53005-5095
Philip C. Evenson, AICP, Executive Director, Southeastern Wisconsin Regional Planning Commission, PO Box 1607, Waukesha, WI 53187-1607
Melissa Cook, DNR
Tom Blotz, DNR
Geri Radermacher, DNR

Jim Ritchie, DNR
Richard Steffes, LF/4
Scott Lee, DOT2

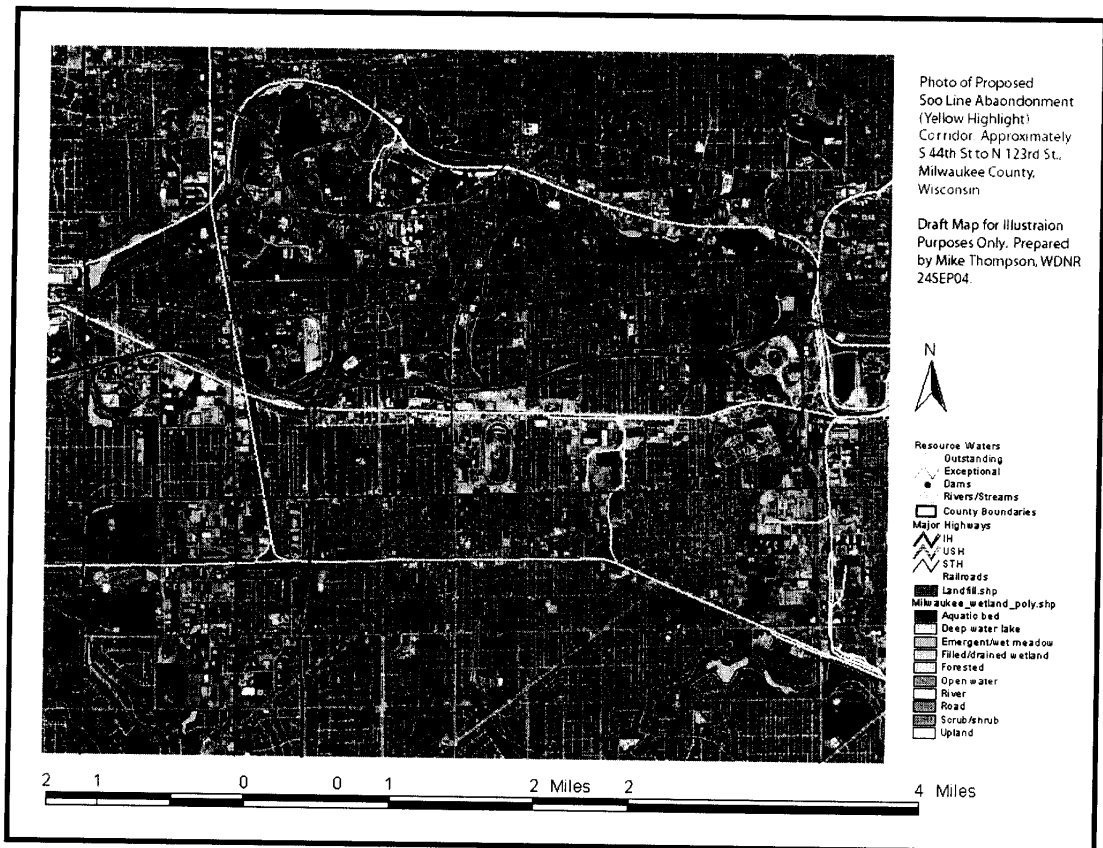


Exhibit No. 5
Historic Report

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

SOO LINE RAILROAD)	
COMPANY ABANDONMENT OF)	DOCKET NO. AB-57
TRACKAGE LOCATED NEAR)	(SUB-NO. 55X)
WEST ALLIS, MILWAUKEE)	
COUNTY, WISCONSIN)	
(Known as "The West Allis Line"))	

HISTORIC REPORT

In compliance with 49 C.F.R. § 1105.8

SOO LINE RAILROAD COMPANY
d/b/a Canadian Pacific Railway, Inc.

LEONARD, STREET AND DEINARD
Professional Association
Annie Littlefield, Esq.
150 South 5th Street, Suite 2300
Minneapolis, MN 55402
Telephone (612) 335-7082
Facsimile (612) 335-1657

Attorneys for Applicant

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

SOO LINE RAILROAD)	
COMPANY ABANDONMENT OF)	DOCKET NO. AB-57
TRACKAGE LOCATED NEAR)	(SUB-NO. 55X)
WEST ALLIS, MILWAUKEE)	
COUNTY, WISCONSIN)	
(Known as "the West Allis Line"))	

HISTORIC REPORT

In compliance with 49 C.F.R. § 1105.8

The Soo Line Railroad Company, d/b/a Canadian Pacific Railway Company ("Soo Line"), submits the following historical information to the Surface Transportation Board in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7(e) and 1105.8. The purpose of this information is to assist the Board in its preparation of a historical document regarding Soo Line's Petition for an Exemption pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to discontinue and abandon all freight rail operations over an approximately 5.0+/- mile line extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin.

Section 1105.8(c) Distribution: The applicant must send the Historic Report to the appropriate State Historic Preservation Officer(s), preferably at least 60 days in advance of filing the application, petition, or notice, but not later than 20 days prior to filing with the Board.

The Wisconsin Historical Society was first notified by letter dated September 2, 2004, that Soo Line was planning to abandon the approximately 5.0+/- mile line extending between milepost 88.2 +/- (near the State Highway 41 crossing in Milwaukee) and milepost 93.2+/- (near North 123rd Street in Wauwatosa) and traversing through United States Postal Service Zip Codes 53215 (in Milwaukee), 53295 (in West Milwaukee), 53214 (in West Allis), and 53226 (in Wauwatosa), all in Milwaukee County, Wisconsin. Dan Duchrow, Program Assistant, Wisconsin Historical Society Office of Preservation and Planning, responded in a

letter dated September 13, 2004. See **Exhibit 4 to the Environmental Report**. According to Mr. Duchrow, the Wisconsin Historical Society will only respond if Soo Line's proposed abandonment qualifies for a SHPO review under the Wisconsin NHPA § 106 Review Process.

According to the criteria outlined in the Wisconsin NHPA § 106 Review Process, Soo Line's proposed abandonment does not qualify for SHPO review for the following reasons: (1) The proposed abandonment will not affect historic properties or properties within the reservation boundaries of a Native American Nation with a formal Tribal Historic Preservation Officer; and (2) Soo Line is not a federal agency representative or a formal delegate of a federal agency.

Section 1105.8(d)(1) U.S.G.S. Topographic Maps: A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

See Appendix A.

Section 1105.8(d)(2) Right-of-Way: A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The Rail Line includes an approximately 5.0+/- mile line of railroad, unused track, the adjacent right of way, and active and inactive lease parcels that extends between milepost 88.2 +/- (near State Highway 41) and milepost 93.2+/- (near North 123rd Street). Now out of service for nearly three years, the Rail Line had been used as a corridor since 1864 and currently passes through residential, commercial, and industrial areas. Most of the line consists of single and removed track with an average right-of-way width of 100 feet.

Section 1105.8(d)(3) Photographs: Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

See Appendix B.

Section 1105.8(d)(4): The dates of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

There are no known historical structures on the line.

Section 1105.8(d)(5) History: A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

As described in Soo Line's historic report filed with this Petition and depicted on the detailed map located at **Exhibit No. 1 of the Environmental Report**, the trackage being abandoned was once part of a larger segment serving Milwaukee. The trackage was originally developed beginning in 1864 by the Milwaukee and St. Paul Railroad Company, which later became the Chicago Milwaukee St. Paul and Pacific Railroad Company, and then the Soo line Railroad Company. Historically, the Rail Line was used primarily for railroad operations and maintenance. While there is commercial activity in this part of urban West Allis, only one active customer remains on the Rail Line and this customer is served by Union Pacific.

Section 1105.8(d)(6) Documents: A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

Soo Line's files consist primarily of maps and photos of the line, some engineering drawings, and recent maintenance records.

Section 1105.8 (d)(7) Opinion: An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

It is the opinion of Soo Line that this line would not meet the criteria for listing in the National Register of Historic Places.

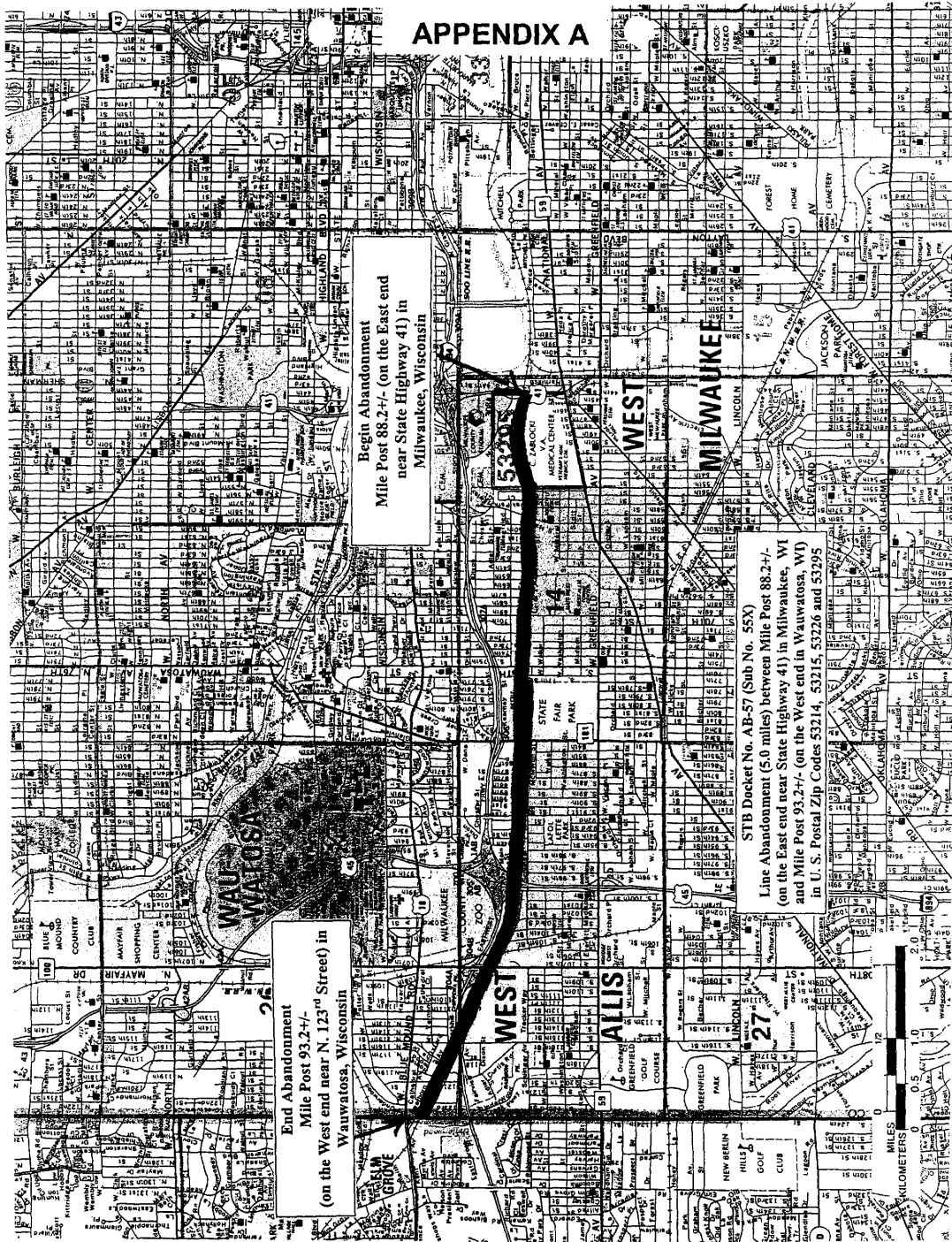
Section 1105.8(d)(8) Archaeological Resources: A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

There are no known ground disturbances or fills other than those which would have occurred during original construction of this Rail Line or any subsequent maintenance or rehabilitation. There are no known toxic waste areas within the right-of-way of this line segment. Salvage activities should not adversely impact previously undisturbed archaeological sites.

END OF REPORT

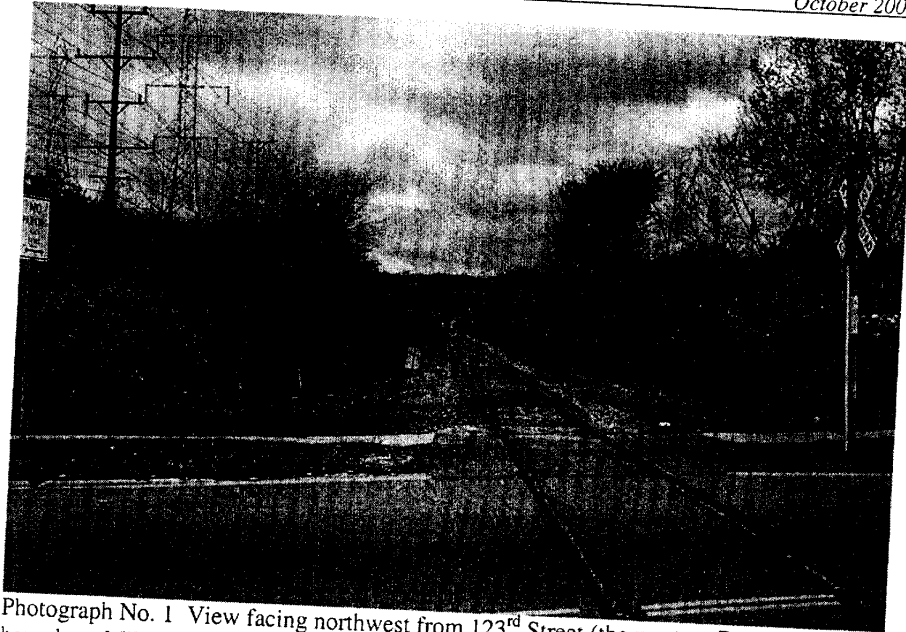
APPENDIX A
Consolidated USGS Topographic Map

APPENDIX A

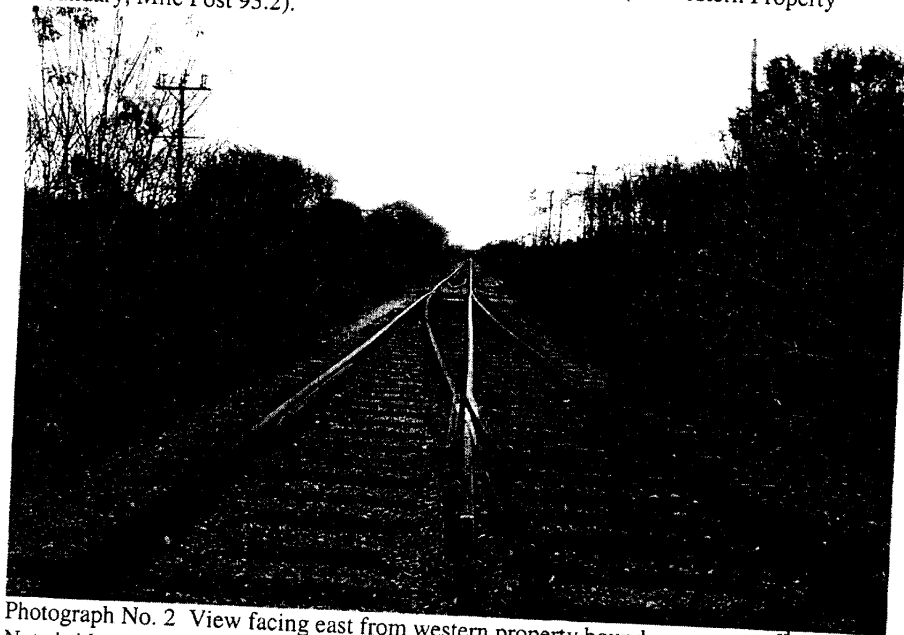


APPENDIX B

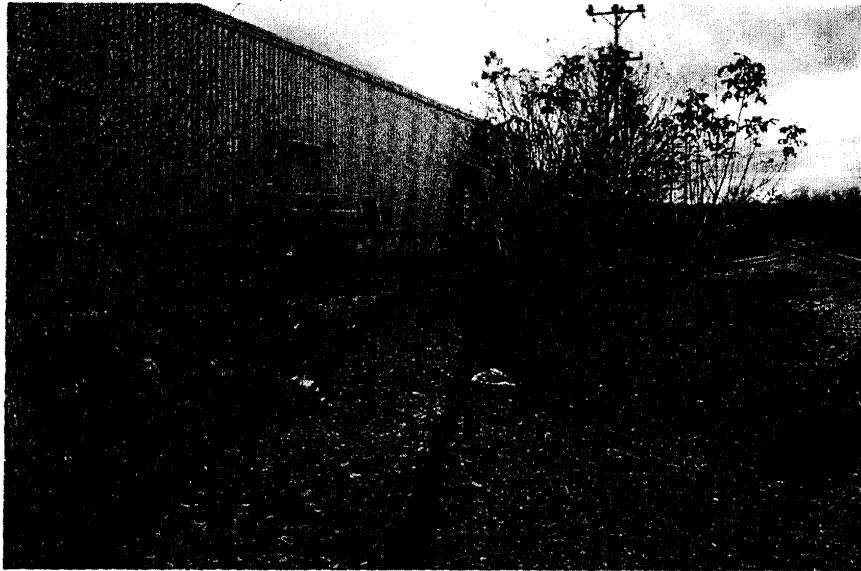
Photos of Railroad Structures



Photograph No. 1 View facing northwest from 123rd Street (the western Property boundary, Mile Post 93.2).



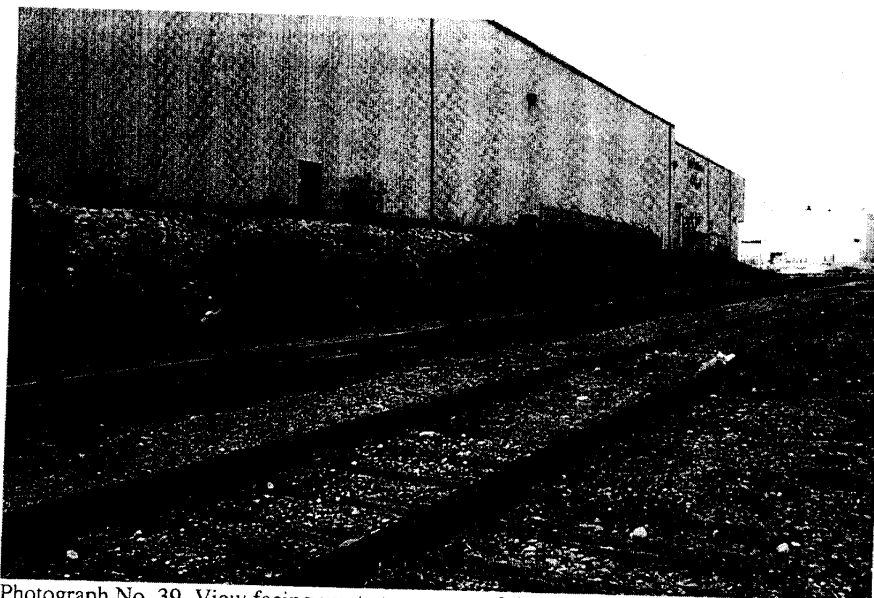
Photograph No. 2 View facing east from western property boundary, near 123rd Street. Note bridge and switch.



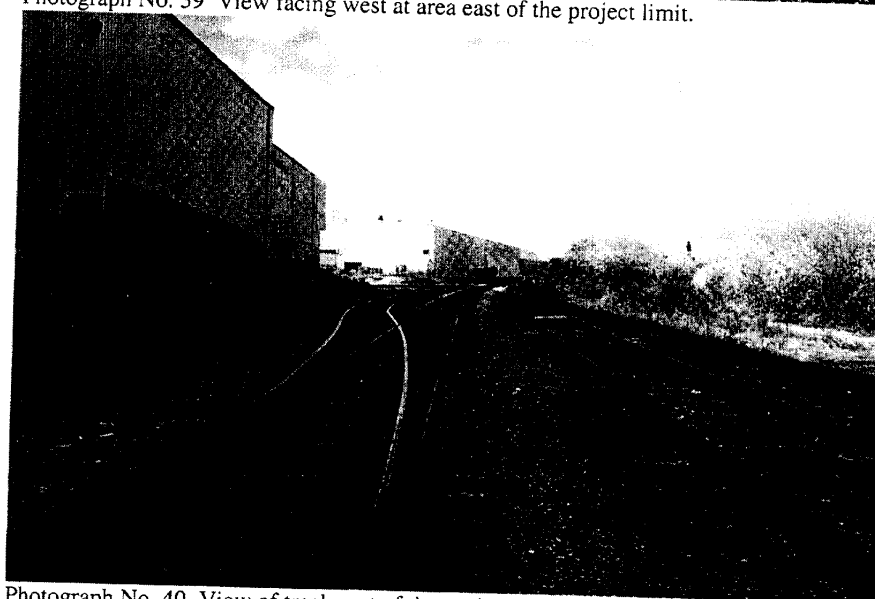
Photograph No. 3 View facing southwest of house track. Note western project limits on right side of Photograph.



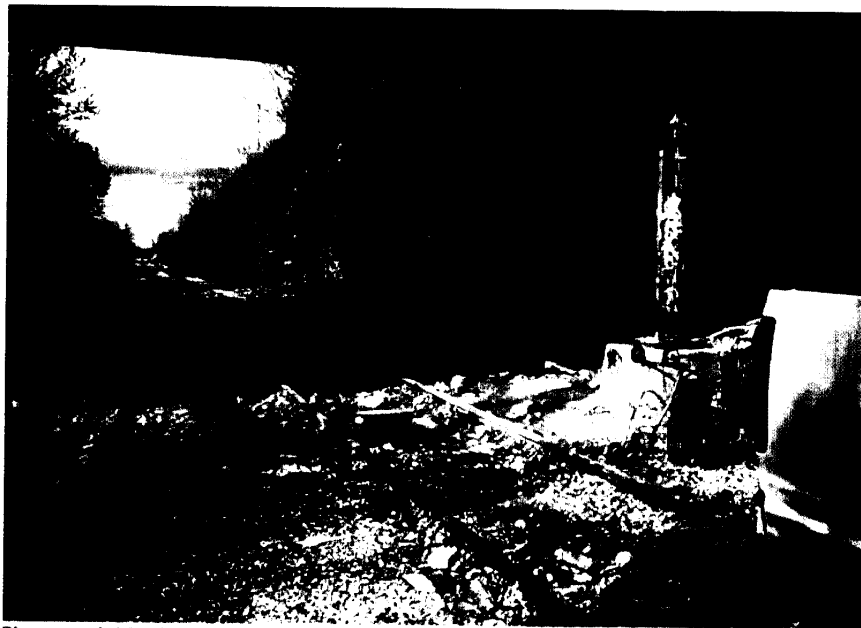
Photograph No. 4 View facing in a general northwesterly direction of the western most project boundary.



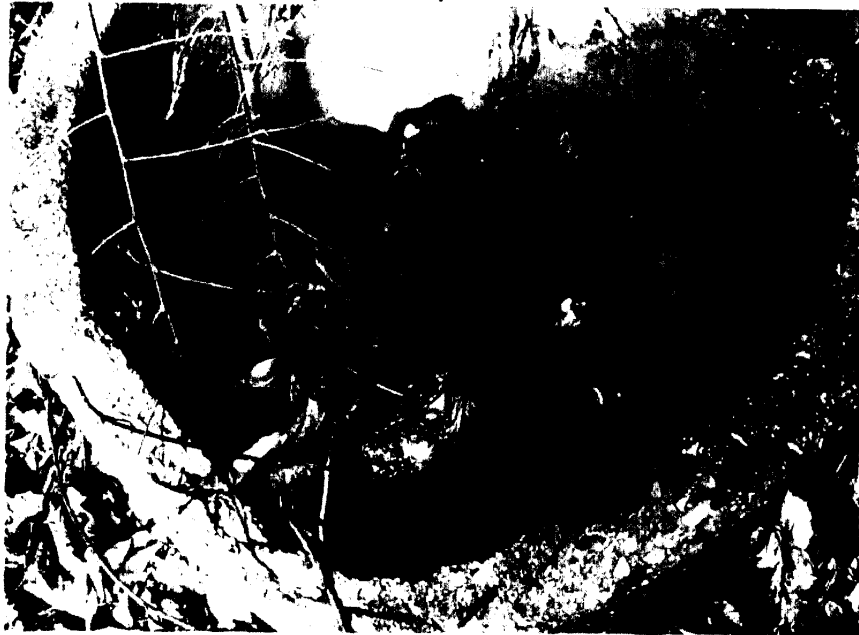
Photograph No. 39 View facing west at area east of the project limit.



Photograph No. 40 View of track east of the project boundary. Photograph taken facing in a generally westerly direction.



Photograph No. 25 View of discarded items beneath the rail crossing with the 70th Street Bridge. Photograph taken facing in a westerly direction.



Photograph No. 29 Battery box with old battery present at a location approximately 1,000 feet east of Hawley Road.